

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ATHENS DIVISION

DARRELL LESTER,

Petitioner

VS.

NO. 3: 07-CV-33 (CDL)

TONY HENDERSON, WARDEN,

Respondent

**PROCEEDINGS UNDER 28 U.S.C. §2254  
BEFORE THE U. S. MAGISTRATE JUDGE**

**ORDER DENYING APPOINTMENT OF COUNSEL**

Subsequent to the denial of petitioner DARRELL LESTER's **MOTION FOR APPOINTMENT OF COUNSEL** (Tab #11), the petitioner moved the court to reconsider his request. Tab #12. Thereafter, on July 20, 2007, petitioner LESTER filed a new motion seeking appointment of counsel herein. Tab #19.

For the reasons previously set forth in the court's order of April 3<sup>rd</sup> (Tab #11), petitioner's **MOTION FOR RECONSIDERATION** and his **MOTION FOR APPOINTMENT OF COUNSEL** are DENIED. Once again, petitioner is advised that the court on its own motion will consider appointing legal counsel for the petitioner if and when it becomes apparent that legal assistance is required in order to avoid prejudice to his rights. Certainly, if an evidentiary hearing is required, counsel will be provided for the petitioner.

Accordingly, petitioner's motions are DENIED.

SO ORDERED AND DIRECTED, this 23<sup>rd</sup> day of JULY, 2007.



A handwritten signature in blue ink that reads "Claude W. Hicks, Jr."

CLAUDE W. HICKS, JR.  
UNITED STATES MAGISTRATE JUDGE